

August 30, 2008

RE: Arista Records, et al V. Darryl Horvat
Northern District of California, San Francisco Division
CASE NUMBER: 3:08-CV-01041-SC

FILED
08 SEP -8 PM 1:56
U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO

I would like to answer the case that has been filed against me and state my side and involvement.

I am Darryl Michael Horvat, a sophomore at UC Santa Cruz in Santa Cruz, California. I maintain a little over a 3.0 GPA. I attend UC Santa Cruz with a combination of scholarships, grants, and student loans as my parents do not have the necessary finances to assist me and my two other brothers who are also in college.

I worked part-time all through senior year in high school and over the summers and breaks to help with spending money, books and other expenses that are not covered through financial aid sources at UC Santa Cruz.

I have never been in trouble with the law for any reason. I am a hard-working student who appreciates the opportunity to attend a good university and take my education and where it may lead me in the future very seriously.

I understand that music was found being shared during November of 2007 via the Gnutella network on Limewire, a P2P client coming from my IP address. I, however had all of my music located in a folder previously before I had even arrived at the university, and was unaware that when Limewire was open on my computer, that it was sharing my entire folder of music without me even knowing. Apparently there is a setting that can be turned on and off in Limewire to allow or disallow the sharing of the music library already established on ones computer, and this setting is on by default when Limewire is downloaded. I was shocked when I got the letters from my university informing me that a lawsuit was pending when I was unaware that I was even involved in any illegal action or activity.

When I was contacted by the school I did not fully understand what the charges were and why. I contacted my parents and my mother contacted someone at a number provided to discuss the case and a settlement. As I mentioned, my parents do not have money and she could not make a settlement because she lacked the funds to pay it.

I do not have money to pay an attorney. I regret that this has happened. If I did something wrong, without realizing it, and there is a penalty that must be paid- I ask that it please take into account that it was not intentional and that I am a student who does not have the financial means to pay it at this time. If there is a judgment for an amount that would be

determined by the court, I will take responsibility for that but would ask that a payment schedule be deferred until after I graduate from college and have full time employment. Then a re-payment schedule can be arranged, if one is needed.

I have never done anything illegal or had any involvement with the law. I did not realize what was happening and was not aware that it was illegal. I hope this can be considered when you make your decision on this case.

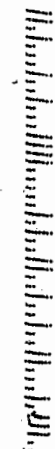
When I graduate I will have student loans and other financial obligations to begin to repay that will take me many years to repay. I hope this matter can be forgiven with the promise that it will never, ever happen again and the understanding that it was something I was not aware was illegal.

I hope you can consider this letter before making any decision that will affect my future.

Thank you in advance for any consideration that can be given to me in this matter.

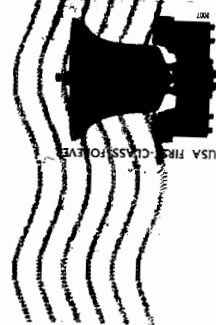
Sincerely
Darryl Horvat

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